

**91 Callowhill Drive – Draft Plan of Common Elements  
Condominium and Part Lot Control Exemption  
Applications – Final Report**

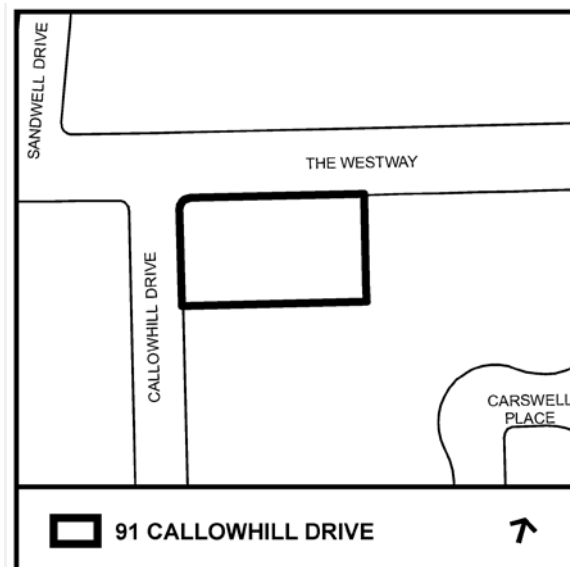
<b>Date:</b>	April 9, 2018
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Director, Community Planning, Etobicoke York District
<b>Wards:</b>	Ward 4 – Etobicoke Centre
<b>Reference Number:</b>	17 250084 WET 04 PL and 17 250066 WET 04 CD

**SUMMARY**

Two applications have been submitted to facilitate a residential development consisting of 19 townhouse units and a semi-detached dwelling (2 units) at 91 Callowhill Drive. One application proposes a Common Elements Condominium for a shared driveway, walkway and five visitor parking spaces to provide pedestrian and vehicular access to 21 residential units and to ensure shared ownership and maintenance of the common elements by the condominium corporation.

The other application requests exemption from the Part Lot Exemption provisions of the *Planning Act* to permit the creation of conveyable lots for the 21 residential units.

This report reviews and recommends approval of the Draft Plan of Common Elements Condominium application subject to conditions and approval of Part Lot Control Exemption. In addition, this report recommends that the owner of the lands be required to register a Section 118 Restriction under the *Land Titles Act* agreeing not to convey or mortgage any part of the lands without prior consent of the Chief Planner and Executive Director, City Planning or his designate.



## RECOMMENDATIONS

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### The City Planning Division recommends that:

1. In accordance with the delegated approval under By-law 229-2000, as amended, City Council be advised that the Chief Planner and Executive Director, City Planning or his designate intends to approve the Draft Plan of Common Elements Condominium for the lands at 91 Callowhill Drive as generally illustrated on Attachment 2, subject to:
  - (a) The conditions as generally listed in Attachment 3 to this report, which except as otherwise noted must be fulfilled prior to the release of the Plan of Common Elements Condominium for registration; and
  - (b) Any such revisions to the proposed condominium plan or any such additional or modified conditions as the Chief Planner and Executive Director, City Planning may deem appropriate to address matters arising from the on-going technical review of this development.
2. City Council enact a Part Lot Control Exemption By-law with respect to the subject lands at 91 Callowhill Drive as generally illustrated on Attachment 4, to be prepared to the satisfaction of the City Solicitor and to expire two years following enactment by City Council.
3. City Council require the owner to provide proof of payment of all current property taxes for the subject lands to the satisfaction of the City Solicitor, prior to the enactment of the Part Lot Control Exemption By-law.
4. Prior to the introduction of the Part Lot Control Exemption Bill, City Council require the owner to register, to the satisfaction of the City Solicitor, a Section 118 Restriction under the *Land Titles Act* agreeing not to transfer or charge any part of the lands without the written consent of the Chief Planner and Executive Director, City Planning or his designate.
5. City Council authorize the City Solicitor to take the necessary steps to release the Section 118 Restriction from title at such time as confirmation is received that the Common Elements Condominium has been registered.
6. City Council authorize and direct the City Solicitor to register the Part Lot Control Exemption By-law on title.
7. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Part Lot Control Exemption By-law as may be required.

## **FINANCIAL IMPACT**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

On March 7, 2012, Toronto City Council enacted Zoning By-law No. 371-2012 to permit a residential development consisting of 19 townhouse units and a semi-detached dwelling (2 units) on the northernmost portion of the property municipally known as 63 Callowhill Drive. An application to sever the property into 2 residential lots (63 Callowhill Drive and 91 Callowhill Drive) was approved by the Committee of Adjustment on October 13, 2013.

## **ISSUE BACKGROUND**

### **Proposal**

The proposal is to permit a Common Elements Condominium for a shared private driveway, walkway and five visitor parking spaces to provide pedestrian and vehicular access to 19 townhouse units and one semi-detached dwelling (2 units), and to ensure shared ownership and maintenance of the common elements by the condominium corporation. A concurrent application proposes exemption from the Part Lot Control Provisions of the *Planning Act* to create conveyable lots. Refer to Attachment 5 for project data.

### **Site and Surrounding Area**

The site is 3,335 m<sup>2</sup> in size and currently vacant. It is bounded by The Westway to the north, Callowhill Road to the west and Ladbrooke Road to the south. The site was originally part of a large property (63 Callowhill Drive) containing a 10-storey, 112 unit rental apartment building and associated surface parking.

Uses surrounding the site include:

North: Two tall residential apartment buildings and an institutional use (Kipling Collegiate Institute) on the north side of The Westway, with low-rise detached residential dwellings beyond.

South: A 10-storey, 112 unit residential apartment building, with low-rise detached residential dwellings beyond.

East: Low-rise detached residential dwellings.

West: A tall residential apartment building and commercial plaza (Martinway Plaza).

### **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) 2014 provides policy direction Province-wide on land use planning and development to promote strong communities, a strong economy,

and a clean and healthy environment. It includes policies on key issues that affect communities such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The City of Toronto uses the PPS to guide its Official Plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council affecting land use planning matters "shall be consistent with" the Provincial Policy Statement.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the Provincial Policy Statement (2014) and provides more specific land use planning policies to address issues facing the GGH

region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan.

The proposal is consistent with the Provincial Policy Statement (2014) and conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe (2017).

## **Official Plan**

The property is designated *Apartment Neighbourhoods* in the Official which are made up of apartment buildings and parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of area residents. Significant growth is not intended within this designation, however infill development on underutilized portions of land may occur subject to certain development criteria including: building massing compatible to surrounding land uses, particularly lower-scale *Neighbourhoods*; appropriate street edge framing; maintaining an appropriate level of residential amenity on the site, including parking; preservation, replacement and enhancement of landscape features; creating benefits for existing residents on the site.

All land uses provided for by the *Neighbourhoods* designation are also allowed in *Apartment Neighbourhoods*. Townhouses and semi-detached dwellings are provided for in *Apartment Neighbourhoods*. Section 4.2 of the Official Plan states that in these established *Apartment Neighbourhoods*, improving amenities and accommodating sensitive infill, where it can improve the quality of life and promote environmental sustainability, are key considerations. *Apartment Neighbourhoods* are distinguished from low-rise *Neighbourhoods* as a greater scale of building is provided for and different criteria are required to guide development.

## **Zoning**

The property is zoned Sixth Density Residential (R6) under the former City of Etobicoke Zoning Code and is subject to site specific Zoning By-law No. 371-2012. City-wide Zoning By-law No. 569-2013 does not apply to the site.

## **Site Plan Control**

Approval of Site Plan Control application No. 12 296710 WET O4 SA to permit the 21 unit development was granted on May 2, 2017.

## **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate conditions of draft plan of approval.

## **Reasons for Applications**

The applicant is proposing a Common Elements Condominium for a shared driveway and walkway to provide pedestrian and vehicular access to 19 townhouses units and one semi-detached dwelling (2 units), and to ensure shared ownership and maintenance of the common elements by the condominium corporation. A second application proposes exemptions from the Part Lot Exemption provisions of the *Planning Act* to permit the creation of conveyable lots for the 21 residential units.

## **COMMENTS**

### **Common Elements Condominium**

The application for a Draft Plan of Common Elements Condominium is necessary to provide vehicular and pedestrian access to the shared driveway and walkway for the 21 residential units, to provide access to 5 visitor parking spaces, and to ensure shared ownership and maintenance of the common elements by the condominium corporation.

Section 9 of the *Condominium Act* states that applications for condominium approval are to follow the processes for the approval of subdivisions established in Sections 51 and 51.1 of the *Planning Act*, with necessary modifications. A Public Meeting is required prior to City Council approval of the Common Elements Condominium.

### **Land Division**

Section 50(7) of the *Planning Act*, R.S.O. 1990, as amended, authorizes City Council to adopt a by-law exempting lands within a registered plan of subdivision from Part Lot Control. The subject lands are within a registered plan of subdivision. The lifting of Part Lot Control on the subject lands is considered appropriate for the orderly development of the lands and would facilitate the development.

To ensure the Part Lot Control Exemption does not remain open indefinitely, it is recommended that the By-law contain an expiration date. In this case, the By-law should expire two years following enactment by City Council. This time frame provides sufficient time for the completion of the proposed development.

Before the Common Elements Condominium is released for registration, the Part Lot Exemption By-law must be enacted in order to create the legal descriptions for each of the parcels of tied lands (the "POTLS"). The Section 118 Restriction is used to prevent the conveyance of the POTLS to the public until the common elements condominium is registered.

## **Conclusion**

The proposed Draft Plan of Common Elements Condominium application and exemption from Part Lot Control are considered appropriate for the orderly development of the lands and are recommended for approval.

## **CONTACT**

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## **SIGNATURE**

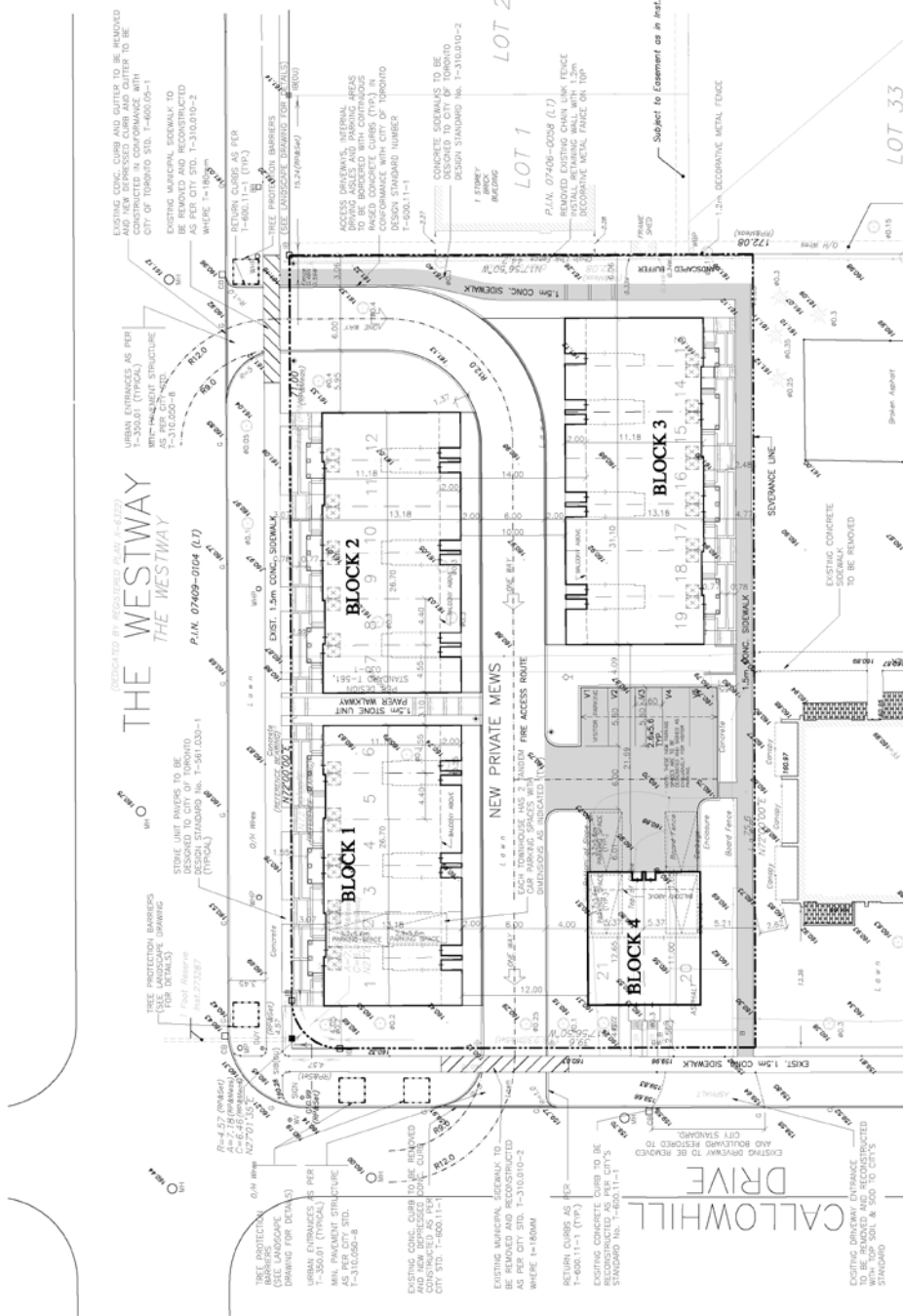
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Neil Cresswell, MCIP, RPP  
Director, Community Planning  
Etobicoke York District

## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: Draft Plan of Common Elements Condominium  
Attachment 3: Draft Plan Approval Conditions  
Attachment 4: Part Lot Control Exemption Plan  
Attachment 5: Application Data Sheet

# Attachment 1: Site Plan



**91 Callowhill Drive**

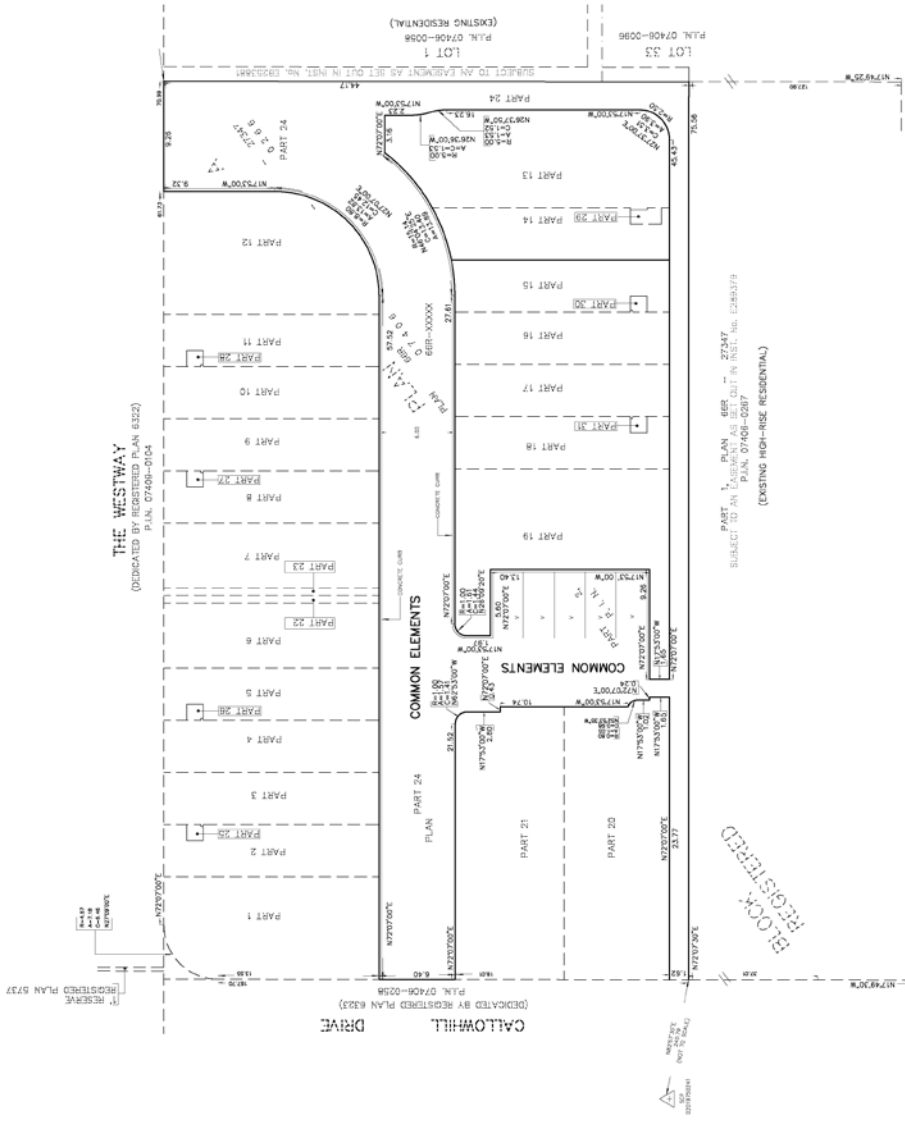
**Site Plan**  
 Applicant's Submitted Drawing

File # 17 250066 WET 04 CD  
 File # 17 250084 WET 04 PL

Not to Scale  
 01/19/2018



# Attachment 2: Draft Plan of Common Elements Condominium



91 Callowhill Drive

Draft Plan of Common Elements Condominium

Applicant's Submitted Drawing

Not to Scale  
01/19/2018

File # 17 250066 WET 04 CD

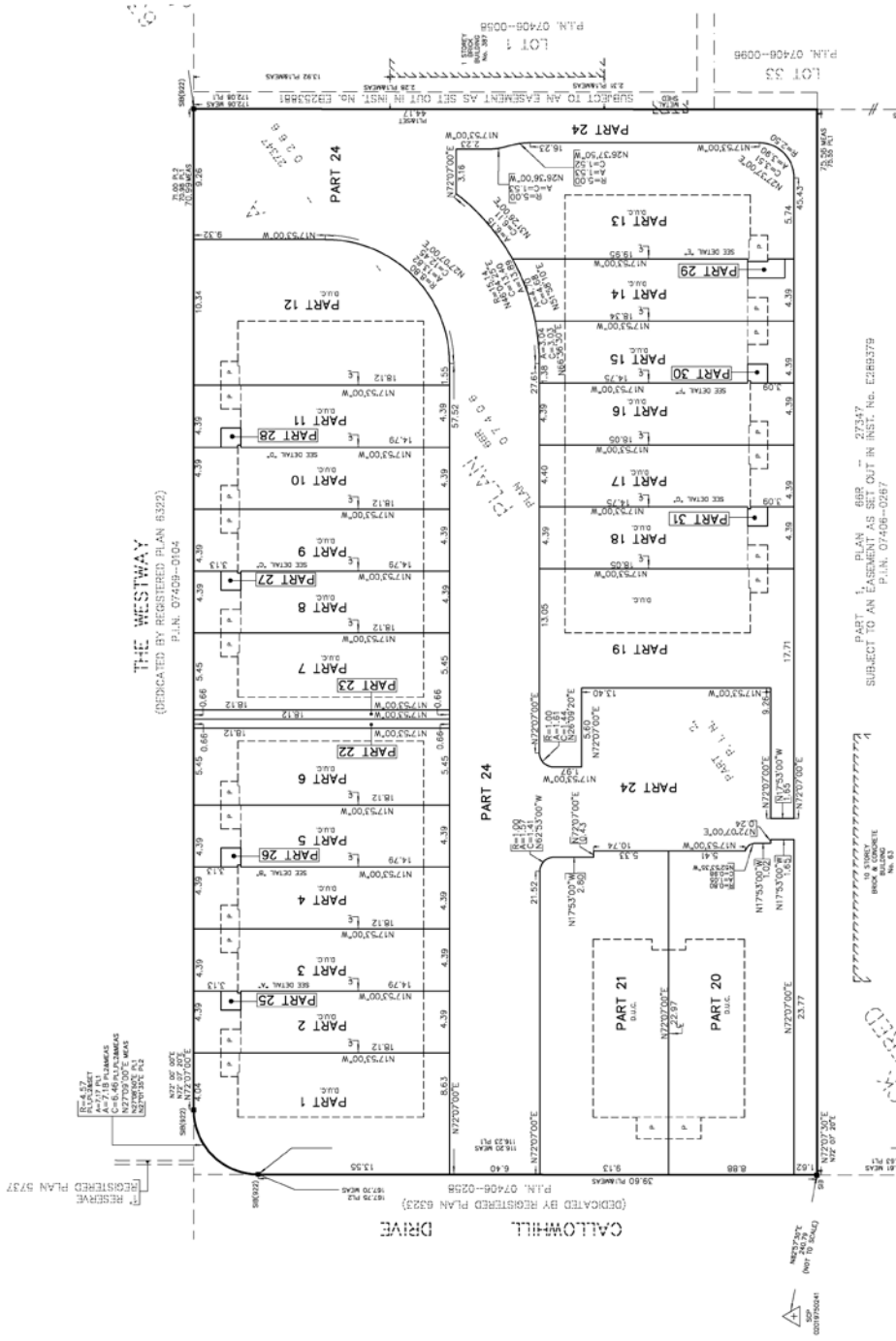
### **Attachment 3: Draft Plan Approval Conditions**

- (1) The owner shall provide to the Director of Community Planning, Etobicoke York District, confirmation of payment of outstanding taxes to the satisfaction of Revenue Services, City of Toronto (statement of account or Tax Clearance Certificate).
- (2) All Site Plan matters and facilities have been completed or financially secured to the satisfaction of the City.
- (3) The owner shall file with the Director of Community Planning, Etobicoke York District, a copy of the final Declaration and Description containing all necessary schedules and certifications required by the *Condominium Act* for registration.
- (4) Together with the final version of the Declaration and Description, the owner shall provide a solicitor's undertaking indicating that:
  - (i) The Declaration provided to the City is the final Declaration and Description to be submitted for registration, subject only to changes requested by the Land Registrar;
  - (ii) The City will be notified of any required changes prior to registration; and
  - (iii) Forthwith following registration of the Declaration and Description, a copy will be provided to the City.
- (5) Visitor parking spaces will be clearly delineated on the condominium plan to be registered.
- (6) If the condominium is not registered within 5 years of the date of draft plan approval, then this approval shall be null and void and the plans and drawings must be resubmitted to the City for approval.
- (7) The owner shall satisfy the following conditions prior to the release of the condominium plans for registration to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.
  - (i) The declarant's solicitor must confirm, if applicable, that all applicable agreements and easements have been granted and registered on title.
  - (ii) The owner shall provide a copy of the Declaration and Description for review and comment.
  - (iii) Submit an application to Toronto Water (Environmental Monitoring and Protection) for any permanent dewatering system that is required for the

building, and enter into an agreement and/or permit to discharge groundwater as required by the General Manager, Toronto Water.

- (iv) Submit a copy of the relevant section(s) of the proposed Condominium Declaration that disclose(s) the obligations of the owner in respect of the discharge of groundwater ("Private Water") to a City sewer pursuant to Toronto Municipal Code Chapter 681, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.
- (v) The submission of the following certifications as identified in the Site Plan Agreement:
  - Stormwater Management Certification;
  - Site-Servicing Certification;
  - Site-Grading Certification; and
  - Solid Waste Management Certification.

# Attachment 4: Part Lot Control Exemption Plan



91 Callowhill Drive

Part Lot Control Exemption Plan

Applicant's Submitted Drawing

Not to Scale  
01/19/2017

File # 17 205584 WET 04 PL

